

### **Remarks**

This Amendment and Response is considered fully responsive to the 04 May 2007 Office Action. Claims 1-49 were pending in the application. Claims 1-10, 13-18, 22-36, 38-42 and 45-49 stand rejected in the 04 May 2007 Office Action. Claims 11, 12, 19-21, 37, 43 and 44 have been objected to. In this Response, claims 1, 12, 16, 17, 20, 21, 27, 41, 42, and 44 are amended without prejudice and claims 8-11 and 34-37 are canceled without prejudice. New claims 50-52 have been added. No new matter has been introduced as a result of the amendment to claims 1, 12, 16, 17, 20, 21, 27, 41, 42, and 44 and addition of claims 50-52. Applicant respectfully requests entry of the amendments. Claims 1-7, 12-33, and 38-52 are now pending in the application. Reexamination and reconsideration are requested.

### **Rejections Under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claim 27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the examiner asserts that claim 27 recites a system in line 1 and describes a method in line 2. The Applicant has amended line 2 of claim 27 to describe a system rather than a method. As currently amended, claim 27 consistently recites a system rather than a method. Therefore, the Applicant believes that the examiner's § 112 rejection has been successfully overcome and requests allowance of claim 27.

### **Rejections Under 35 U.S.C. § 102 and § 103**

The Examiner has rejected claims 1-3, 6, 8, 13, 14, 22-25, 27-29, 32, 34, 38, 39, and 45-48 under 35 U.S.C. § 102(e) as anticipated by Sheu (USPN 7,099,301). Further, the Examiner has rejected claims 4, 5, 7, 30, 31, and 33 under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Galloway (USPN 5,430,709). The Examiner has also rejected claims 9 and 35 under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Kneipp (USPN 6,102,970). Additionally, the Examiner has rejected claims 10 and 36 under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Kneipp and further in view of Meisel (USPN 7,197,640). Further, the Examiner has rejected claims 15-17, 40 and 41 under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Kwan et al. (US-PGPUB 2004/0255154). Lastly, the Examiner has rejected claims 18 and 42

under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Kwan et al. and in further view of Justice et al. (USPN 6,516,056).

The Applicant disagrees with the Office's rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) as summarized above, but has amended the claims as shown above, without prejudice, in order to expedite prosecution.

### **Allowable Subject Matter**

The Examiner has objected to claims 11, 12, 19-21, 37, 43, and 44 as being dependent upon a rejected base claim. The Examiner further indicated that this group of claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Accordingly, the Applicant has rewritten each claim in the above group of claims in independent form. Amended claim 1 now contains the limitations of claim 11 and intervening claims 8, 9, and 10. New claim 50 contains the limitations of claim 12 and intervening claims 8, 9, and 10. New claim 51 contains the limitations of claim 19 and intervening claims 15 and 18. Amended claims 20 and 21 are now dependent on claim 51. Amended claim 27 now contains the limitations of claim 37 and intervening claims 34, 35, and 36. New claim 52 contains the limitations of claim 43 and intervening claims 40 and 42. Amended claim 44 is now dependent on claim 52. Finally, claims 8-11 and 34-37 are cancelled in light of the aforementioned amendments incorporating their features into independent claims 1, 27, and 50-52.

Therefore, in light of the amendments made above, the Applicant believes that amended claims 1 and 27 are allowable, as they now contain the limitations of cancelled claims 11 and 37 respectively. Further, new claims 50, 51, and 52 are allowable, as they contain the features of cancelled claims 12, 19, and 43 respectively. Additionally, dependent claims 2-7, 12-26, 28-33, 38-49 are allowable at least based on the allowability of independent claims 1, 27, and 50-52 from which they depend. Thus, the Applicant respectfully requests that claims 1-7, 12-33, and 38-52 be allowed.

**Conclusion**

Claims 1-7, 12-33, and 38-52 are currently pending in the application. Applicant has fully responded to each and every objection and rejection in the Office action dated 04 May 2007 and believes that claims 1-7, 12-33, and 38-52 are in a condition for allowance. The Applicant therefore requests that a timely Notice of Allowance be issued in this case.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 19 February 2008

/Damon A. Rieth/  
Damon A. Rieth Reg. No. 52,167  
Attorney for Applicant  
USPTO Customer No. 69693

HENSLEY KIM & HOLZER, LLC  
1660 Lincoln Street, Suite 3050  
Denver, Colorado 80264  
Tel: 720-377-0709  
Fax: 720-377-0777